

Exhibit 5

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RHONDA BURNETT, JEROD BREIT,)
HOLLEE ELLIS, FRANCES HARVEY)
and JEREMY KEEL, on behalf of all others)
similarly situated,)

Plaintiffs,)

v.)

Case No. 19-cv-00332-SRB

NATIONAL ASSOCIATION OF)
REALTORS, et al.,)

Defendants.)

DON GIBSON, LAUREN CRISS,)
JOHN MEINERS, and DANIEL UMPA,)
individually and on behalf of all others)
similarly situated,)

Plaintiffs,)

v.)

Case No. 4:23-cv-00788-SRB

[Consolidated with 4:23-cv-00945-SRB]

NATIONAL ASSOCIATION OF)
REALTORS, et al.,)

Defendants.)

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF CLASS COUNSEL'S
MOTION FOR ATTORNEY'S FEES, COSTS, EXPENSES AND SERVICE AWARDS**

I, Steve W. Berman, state under oath, as follows:

1. I am the managing partner at Hagens Berman Sobol Shapiro LLP. I am admitted to this Court *pro hac vice* and am one of the attorneys for Plaintiffs. I am also an attorney for Plaintiffs in the *Moehrl* action. I submit this declaration in support of Plaintiffs' motion for attorney's fees,

costs, expenses, and service awards. I have full knowledge of the matters stated herein and would testify to these facts if called upon.

2. In my February 29, 2024 declaration, *see* ECF No. 1392-4, I described generally the work that the *Moehrl* Plaintiff firms have done, the specific work that my firm has done in the litigation, the background of the attorneys working on this matter at my firm, and the process by which my firm tracks attorney time. I also described the process by which the *Moehrl* Plaintiffs developed the case theory and litigated the case. That work has been essential to the results of the *Moehrl* action, as well as the *Burnett*, *Gibson*, and *Umpa* matters.

3. In my August 20, 2024 declaration, my firm reported \$14,166,140.00 in total lodestar in all actions at current rates and updated through July 31, 2024. Since then, my firm has continued to work on those matters. My firm has engaged in work related to settlement administration for the *Burnett* and *Moehrl* matters, as well as ongoing litigation of the *Gibson* and *Umpa* matters. In total, through August 31, 2024, my firm has a total lodestar of \$14,399,157.50. A detailed breakdown of the hours expended by each employee at my firm and their current hourly rate is attached hereto as **Exhibit A**.

4. In my February 29, 2024 declaration, I described the general process by which my firm maintained a common fund to pay certain large expenses in the *Moehrl* litigation. In my February 29th declaration, I reported that \$5,893,050.71 had been paid to date from the *Moehrl* litigation fund. In my August 20, 2024 declaration, I described the general process by which my firm established a common fund to pay certain large expenses in the *Gibson* and *Umpa* litigation funds. In my August 20, 2024 declaration, I reported that \$65,000 had been paid to date from the *Gibson* litigation fund. Since my prior February 29th declaration, an additional \$234,836.00 in expenses have been incurred against the litigation fund in *Moehrl*. These expenses relate to

necessary expenses including expert fees and document storage. Since my prior August 14, 2024 declaration, an additional \$33,915.00 have been incurred against the litigation fund in *Gibson*. These expenses relate to the continuing litigation of the case, including expert fees. In total, between the two litigation funds, an additional \$268,751.00 in expenses have been incurred against the litigation funds that counsel for Plaintiffs have not yet requested reimbursement for. Cumulatively, through August 31, 2024, there has been a total of \$6,226,801.71 of expenses incurred against the litigation funds.

5. In my August 20, 2024 declaration, my firm reported a total of \$67,006.21 in unreimbursed litigation expenses through July 31, 2024. These are reasonable litigation costs that were incurred, separate from my firm's contributions to the litigation fund. Since my prior declaration, my firm has incurred an additional \$1,778.53 in additional unreimbursed litigation expenses. These are reasonable litigation costs that were incurred in this case for the benefit of the settlement class members. A detailed breakdown of all litigation expenses paid by Hagens Berman to date is attached hereto as **Exhibit B**. In total, through August 31, 2024, Hagens Berman has incurred \$68,784.74 of unreimbursed expenses that it paid directly.

6. In the *Moehrl* litigation, a litigation class was certified. Consistent with their obligations under Rule 23, Plaintiffs did an extensive notice campaign to class members in the litigation class. Specifically, our notice Administrator, JND, commenced the *Moehrl* noticing program in February 2024 via Postcard Notice, Email Notice, and a nationwide media campaign. JND sent 13,742,284 Email Notices to Class Members. JND also mailed 5,139,481 Postcard Notices by USPS First Class Mail, postage pre-paid, to Class Members. Subsequently, JND sent 1,381,671 Postcard Notices to Class Members whose initial Notices were ultimately determined to be undeliverable. Ultimately, JND estimates that the direct notice component of the

Moehrl campaign reached over 95% of potential Class Members. JND also conducted a nationwide media notice for the *Moehrl* campaign as part of the Settlement noticing program. In addition to geo-targeting specific internet ads to the *Moehrl* class locations, JND issued a Press Release specific to the *Moehrl* litigation. In total, the cost of the litigation notice campaign specifically was \$2,996,807.75. Of these costs, the vast majority - \$2,873,847 - represented the cost of the direct notice alone, including printing of the notice postcards, postage for the postcards, and the cost of sending email notices. Plaintiffs have not received any reimbursement from any settlement fund for this litigation expense to date.

7. The below table lists the total unreimbursed expenses for the litigation funds, expenses paid directly by Hagens Berman, and expenses associated with the litigation notice in *Moehrl*.

Expense Type	Total Amount
Litigation Funds	\$6,226,801.71
Hagens Berman Litigation Expenses	\$68,784.74
Moehrl Litigation Class Notice	\$2,996,807.75

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 13th day of September, 2024, at Seattle, Washington.

/s/

STEVE W. BERMAN

Hagens Berman Sobol Shapiro LLP
LODESTAR TOTALS - INCEPTION THROUGH AUGUST 31, 2024

ATTORNEY	STATUS	CURRENT HOURLY RATE	TOTAL HOURS	LODESTAR AT CURRENT RATES
Steve Berman	Partner	\$1,350.00	397.90	\$537,165.00
Craig Spiegel	Partner	\$975.00	560.70	\$546,682.50
Rio Pierce	Partner	\$950.00	2665.70	\$2,532,415.00
Jeannie Evans	Partner	\$950.00	3664.70	\$3,481,465.00
Leonard Aragon	Partner	\$850.00	2.50	\$2,125.00
Dan Kurowski	Partner	\$800.00	4.70	\$3,760.00
Chris O'Hara	Partner	\$800.00	532.60	\$426,080.00
Ted Wojcik	Partner	\$750.00	318.20	\$238,650.00
Mark Vazquez	Partner	\$700.00	2.00	\$1,400.00
Karl Barth	Of Counsel	\$775.00	520.00	\$403,000.00
Nick Styant-Browne	Of Counsel	\$650.00	75.50	\$49,075.00
Shelby Smith	Of Counsel	\$650.00	188.20	\$122,330.00
Whitney Siehl	Associate	\$550.00	380.30	\$209,165.00
Jeff Lang	Staff Attorney	\$575.00	4871.40	\$2,801,055.00

Allan Lundsgaarde	Staff Attorney	\$500.00	259.20	\$129,600.00
Sophia Chao	Staff Attorney	\$500.00	24.90	\$12,450.00
Matthew Rovner	Staff Attorney	\$500.00	255.00	\$127,500.00
Jay Mitchell	Staff Attorney	\$500.00	1602.00	\$801,000.00
John Roeser	Contract Attorney	\$375.00	1629.00	\$610,875.00
Samuel Collin	Contract Attorney	\$375.00	648.00	\$243,000.00
Shelby Clark	Contract Attorney	\$375.00	1259.50	\$472,312.50
Tiffani Fox	Contract Attorney	\$350.00	200.00	\$70,000.00
Maureen Flanigan	Contract Attorney	\$350.00	233.90	\$81,865.00
Carrie Flexer	Paralegal	\$425.00	5.30	\$2,252.50
Megan Meyers	Paralegal	\$400.00	813.50	\$325,400.00
Brian Miller	Paralegal	\$400.00	208.10	\$83,240.00
Chavay Williams	Paralegal	\$400.00	20.20	\$8,080.00
Rob Haegele	Paralegal	\$400.00	0.40	\$160.00
Bill Stevens	Paralegal	\$400.00	17.70	\$7,080.00
Nicolle Huerta	Paralegal	\$400.00	14.00	\$5,600.00
Lisa Napoleon	Paralegal	\$400.00	1.20	\$480.00
Jeaneth Decena	Paralegal	\$350.00	56.00	\$19,600.00
Shelby Taylor	Paralegal	\$350.00	27.70	\$9,695.00

Radha Kerzan	Paralegal	\$350.00	68.10	\$23,835.00
Don Young	Paralegal	\$225.00	9.90	\$2,227.50
Chan Lovell	Paralegal Assistant	\$300.00	8.80	\$2,640.00
Noreen Andersen	Law Clerk	\$175.00	7.20	\$1,260.00
Hannah Song	Law Clerk	\$150.00	29.50	\$4,425.00
Nancy Duenez	Law Clerk	\$125.00	1.70	\$212.50
		GRAND TOTAL	21585.20	\$14,399,157.50

Hagens Berman Sobol Shapiro LLP
NON-LIT FUND EXPENSE TOTALS - INCEPTION THROUGH AUGUST 31, 2024

CATEGORY	AMOUNT
Court Fees/Filing Fees	\$1,550.00
Online Services/Legal Research (LexisNexis/Westlaw/PACER)	\$16,009.09
Messenger/Process Service	\$2,995.20
Mediation Fees	\$17,500.00
Outside Copy Service	\$1,524.00
In-House Copying/Printing (\$0.25/per page)	\$16,037.75
Overnight Shipping	\$3,651.40
Airfare	\$5,889.43
Hotels	\$2,343.53
Meals	\$300.48
Ground Transportation/Parking	\$983.86
	\$68,784.74